



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/500,467

07/15/2004

Lean Sen Lor

LORL3002/JEK

8260

7590

11/03/2005

Bacon & Thomas

4th Floor

625 Slaters Lane

Alexandria, VA 22314-1176

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,467

Applicant(s)

LOR, LEAN SEN

Examiner

Rodney B. White

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-3, the phrase "wherein said base (3) and legs are collectively referred to herein as the "rigid members" of the chair" is improper language for a claim. The claims are in narrative form and that is improper claim form.

In claim 2, line 4; "components or parts" is unclear and confusing language and also puts the claim in alternative form.

Regarding claim 4, the phrase "like a spring plate or leaflet spring" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like a spring plate or leaflet spring"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Also, like above, it also puts the claim in alternative form.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by:

The following references teach the structures and concepts of all the embodiments taught in Figures 1-6 of the present invention:

EP 591933 A1

EP 179933 A1

DE 201 02 816 U1

DE 4023609

EP 105955 A1

JP 06261818 A

EP 549026 A1

WO 9103192 A1

US. Patent No. 4,084,850

US. Patent No. 4,733,910

US. Patent No. 5,904,397

US. Patent No. 4,589,697

US. Patent No. 4,408,800

US. Patent No. 4,157,203

US. Patent No. 4,641,885

US. Patent No. 6,116,686

US. Patent No. 5,419,615

US. Patent No. 5,069,496

US. Patent No. 4,703,974

US. Patent No. 6,149,236

US. Patent No. 1,793,045

US. Patent No. 4,787,676
US. Patent No. 4,756,575
US. Patent No. 4,533,177
US. Patent No. 3,743,352
US. Patent No. 1,767,757
US. Patent No. 812,051
US. Patent No. 334,087
US. Patent No. 14,364
US. Patent No. 740,825
US. Patent No. 349,907
US. Patent No. 376,886
US. Patent No. 197,567
US. Patent No. 1,816,486
US. Patent No. 1,150,189
US. Patent No. 960,607
US. Patent No. 4,603,904
US. Patent No. 4,580,836
US. Patent No. 4,549,764
US. Patent No. 4,379,589
US. Patent No. 4,333,683
US. Patent No. 5,704,688
US. Patent No. 5,108,149

US. Patent No. 5,452, 937

US. Patent No. 5,580,127

US. Patent No. 5,039,163

US. Patent No. 4,869,552

US. Patent No. 6,056,361

US. Patent No. 404,628

US. Patent No. 44,987

US. Patent No. 2,587,822

US. Patent No. 1,744,258

US. Patent No. 1,767,042

US. Patent No. 1,926,259

US. Patent No. 431,098

US. Patent No. 1,663,898

US. Patent No. 1,388,291

US. Patent No. 1,960,156

US. Patent No. 136,956

US. Patent No. 317,295

US. Patent No. 1,829,434

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by.

US. Patent No. 6,533,352 B1

Art Unit: 3636

US. Patent No. 6,406,096 B1

US. Patent No. 6,739,663 B2

US. Patent No. 6,471,293 B2

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bohl et al, Kaiser, Atwood, Collier, Hasty et al, Vogtherr, Naess, Becker, III et al, Wasserman et al, Busnelli, Ware et al, Barile, Sr., Zapf, Raftery, Keusch et al, Liao, Hsu, Schafer, and Lohmeyer teach chairs and concepts similar to the present invention. Some of these references have insufficient dates but still teach the same concepts.

Remarks

Applicant's specification reads more like "thoughts" and "concepts" as opposed to an actual teaching or disclosure for an invention. However, this so-called invention does not teach anything new. Every concept and/or embodiment disclosed has been patented already and has been around as far back as the year 1856. If Applicant looks at any of the patent used (listed) in the 102(b) and 102(e) rejections, he will see every teaching that he has supposedly disclosed. Nothing about the present invention is groundbreaking at any level.


Art Unit: 3636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
October 25, 2005



RODNEY B. WHITE
PRIMARY EXAMINER